

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 30, 2021

SOC-CLERK'S OFFICE  
INOCENT CONTROL CENTER  
2021 APR 30 A 11: 46

APPLICATION OF

BTR FIBER, LLC

CASE NO. PUR-2021-00053

For certificates of public convenience and necessity  
to provide local exchange and interexchange  
telecommunications services in the  
Commonwealth of Virginia

ORDER FOR NOTICE AND COMMENT

On April 15, 2021, BTR Fiber, LLC ("BTR" or "Company") completed the filing of an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia ("Application").

NOW THE COMMISSION, upon consideration of the Application, is of the opinion and finds that it should docket the Company's Application; that BTR should give notice to the public of its Application; that interested persons should have an opportunity to comment and/or request a hearing on the Company's Application; and that the Staff of the Commission ("Staff") should conduct an investigation into the reasonableness of the Application and present its findings in a report ("Staff Report").

The Commission further takes judicial notice of the ongoing public health emergency related to the spread of the coronavirus, or COVID-19, and the declarations of emergency issued at both the state and federal levels.<sup>1</sup> The Commission has taken certain actions, and may take

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<sup>1</sup> See, e.g., Executive Order No. 51, Declaration of a State of Emergency Due to Novel Coronavirus, COVID-19, issued March 12, 2020, by Governor Ralph S. Northam. This and subsequent Executive Orders related to COVID-19 may be found at: <https://www.governor.virginia.gov/executive-actions/>.

additional actions going forward, which could impact the procedures in this proceeding.<sup>2</sup>

Consistent with these actions, in regard to the terms of the procedural framework established below, the Commission will, among other things, direct the electronic filing of testimony and pleadings, unless they contain confidential information, and require electronic service on parties to this proceeding.

Accordingly, IT IS ORDERED THAT:

(1) This case is docketed and assigned Case No. PUR-2021-00053.

(2) All pleadings, briefs, or other documents required to be served in this matter shall be submitted electronically to the extent authorized by 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice and Procedure ("Rules of Practice").<sup>3</sup> Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and should comply with 5 VAC 5-20-170, *Confidential information*, of the Rules of Practice. For the duration of the COVID-19 emergency, any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.<sup>4</sup>

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<sup>2</sup> See, e.g., *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic Service of Commission Orders*, Case No. CLK-2020-00004, Doc. Con. Cen. No. 200330035, Order Concerning Electronic Service of Commission Orders (Mar. 19, 2020); *Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: Revised Operating Procedures During COVID-19 Emergency*, Case No. CLK-2020-00005, Doc. Con. Cen. No. 200330042, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (Mar. 19, 2020); *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic service among parties during COVID-19 emergency*, Case No. CLK-2020-00007, Doc. Con. Cen. No. 200410009, Order Requiring Electronic Service (Apr. 1, 2020); *Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: Revised Operating Procedures During COVID-19 Emergency Extension of Prior Orders*, Case Nos. CLK-2020-00004 and CLK-2020-00005, Doc. Con. Cen. No. 200520101, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020).

<sup>3</sup> 5 VAC 5-20-10 *et seq.*

<sup>4</sup> As noted in the Commission's March 19, 2020 Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency in Case No. CLK-2020-00005, submissions to the

(3) Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Commission's Rules of Practice, the Commission directs that service on parties and the Staff in this matter shall be accomplished by electronic means. Concerning Confidential or Extraordinarily Sensitive Information, parties and the Staff are instructed to work together to agree upon the manner in which documents containing such information shall be served upon one another, to the extent practicable, in an electronically protected manner, even if such information is unable to be filed in the Office of the Clerk, so that no party or the Staff is impeded from preparing its case.

(4) On or before May 28, 2021, BTR shall complete publication of the following notice to be published on one occasion, as classified advertising, in newspapers having general circulation throughout its proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION BY  
BTR FIBER, LLC, FOR CERTIFICATES OF PUBLIC  
CONVENIENCE AND NECESSITY TO PROVIDE LOCAL  
EXCHANGE AND INTEREXCHANGE  
TELECOMMUNICATIONS SERVICES  
IN THE COMMONWEALTH OF VIRGINIA  
CASE NO. PUR-2021-00053

On April 15, 2021, BTR Fiber, LLC ("BTR") filed an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia ("Application").

Copies of the Application may be downloaded from the Commission's website: [scc.virginia.gov/pages/Case-Information](http://scc.virginia.gov/pages/Case-Information), or may be obtained from BTR by contacting Carey Roesel, Inteserra Consulting Group, Inc., 151 Southhall Lane, Suite 450, Maitland, Florida 32751, [croesel@inteserra.com](mailto:croesel@inteserra.com).

Any person desiring to comment on BTR's Application may do so on or before June 11, 2021, either electronically by

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Commission's Clerk's Office via U.S. mail or commercial mail equivalents may not be processed for an indefinite period of time due to the COVID-19 emergency.

following the instructions on the Commission's website:  
[scc.virginia.gov/casecomments/Submit-Public-Comments](http://scc.virginia.gov/casecomments/Submit-Public-Comments), or by  
 filing such comments with the Clerk of the State Corporation  
 Commission, c/o Document Control Center, P.O. Box 2118,  
 Richmond, Virginia 23218-2118.

On or before June 11, 2021, any person may request a  
 hearing on BTR's Application. If not filed electronically at  
[scc.virginia.gov/clk/efiling/](http://scc.virginia.gov/clk/efiling/), an original and fifteen (15) copies of  
 the request for hearing shall be submitted to the Clerk of the  
 Commission at the address set forth above. Requests shall include:  
 (i) a precise statement of the interest of the filing party; (ii) a  
 statement of the specific action sought to the extent then known;  
 (iii) a statement of the legal basis for such action; (iv) a precise  
 statement why a hearing should be conducted in the matter; and  
 (v) the email addresses of such parties or their counsel. Persons  
 filing a request for hearing shall serve a copy of their request upon  
 BTR.

All submissions to the Commission concerning BTR's  
 Application shall refer to Case No. PUR-2021-00053.

BTR FIBER, LLC

(5) On or before May 28, 2021, BTR shall provide a copy of the notice contained in  
 Ordering Paragraph (4) by email to each local exchange telephone carrier certificated in Virginia  
 and each interexchange carrier certificated in Virginia. Lists of all current local exchange and  
 interexchange carriers in Virginia are attached to this Order as Appendices A and B,  
 respectively.

(6) Any person desiring to comment on BTR's Application may do so on or before June  
 11, 2021, either electronically by following the instructions on the Commission's website:  
[scc.virginia.gov/casecomments/Submit-Public-Comments](http://scc.virginia.gov/casecomments/Submit-Public-Comments), or by filing such comments with the  
 Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118,  
 Richmond, Virginia 23218-2118.

(7) On or before June 11, 2021, any person may request a hearing on BTR's Application. If not filed electronically at [scc.virginia.gov/clk/efiling/](http://scc.virginia.gov/clk/efiling/), an original and fifteen (15) copies of the request for hearing shall be submitted to the Clerk of the Commission at the address in Ordering Paragraph (6). Requests for hearing shall refer to Case No. PUR-2021-00053 and shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; (iv) a precise statement why a hearing should be conducted in the matter; and (v) the email addresses of such parties or their counsel. A copy also shall be served on BTR via Carey Roesel, Inteserra Consulting Group, Inc., 151 Southhall Lane, Suite 450, Maitland, Florida 32751, [croesel@inteserra.com](mailto:croesel@inteserra.com).

(8) On or before June 11, 2021, BTR shall file with the Commission proof of notice and proof of service as ordered herein.

(9) Staff shall analyze the reasonableness of BTR's Application and present its findings in a Staff Report to be filed on or before July 2, 2021.

(10) On or before July 9, 2021, BTR may file responses to the Staff Report or to any comments or requests for hearing filed with the Commission. If not filed electronically, an original and fifteen (15) copies of any responses shall be submitted to the Clerk of the Commission at the address in Ordering Paragraph (6). A copy of the response shall be sent electronically to the Staff and the Commission's Office of General Counsel and to any person who filed a request for a hearing on the Application.

(11) The Company shall respond to written interrogatories or data requests within seven (7) calendar days after the receipt of the same. Persons who filed requests for hearing shall provide to the Company, Staff, and any other persons who filed requests for hearing,

promptly upon request, any work papers or documents used in preparation of their requests for hearing. Except as modified herein, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(12) The Company shall respond promptly to requests from interested persons for copies of the Application and shall provide one copy free of charge. Copies of the Application also may be downloaded from the Commission's website: [scc.virginia.gov/pages/Case-Information](http://scc.virginia.gov/pages/Case-Information).

(13) In accordance with 20 VAC 5-417-20 G 1 b of the Commission's Rules Governing the Certification and Regulation of Competitive Local Exchange Carriers, BTR shall provide a performance or surety bond in the amount of \$50,000 in a form to be prescribed by Staff. This bond shall be provided to the Commission's Division of Public Utility Regulation within thirty (30) days from the date of this Order.

(14) This matter is continued.

A COPY hereof shall be sent electronically by the Clerk of the Commission to:

Carey Roesel, Inteserra Consulting Group, Inc., 151 Southhall Lane, Suite 450, Maitland, Florida 32751, [croesel@inteserra.com](mailto:croesel@inteserra.com); Thomas E. Jaskiewicz, EVP, Business Development, BTR Fiber, LLC, 5107 NW 83<sup>rd</sup> Street, Kansas City, Missouri 64151, [tomjaski@btrusa.com](mailto:tomjaski@btrusa.com); and C. Meade Browder, Jr., Senior Assistant Attorney General, Office of the Attorney General, Division of Consumer Counsel, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219, [MBrowder@oag.state.va.us](mailto:MBrowder@oag.state.va.us).

LEC Phone Companies		
Company	Regulatory Contact	Email
Access One of Virginia, Inc.	Julie May	<a href="mailto:jmay@accessoneinc.com">jmay@accessoneinc.com</a>
ACN Communication Services Virginia, L.L.C.	Jeremy Smuckler	<a href="mailto:jismuckle@acninc.com">jismuckle@acninc.com</a>
Airespring Virginia LLC	Cynthia Firstman	<a href="mailto:cat@airespring.com">cat@airespring.com</a>
Airus Virginia, Inc.	John McCluskey	<a href="mailto:jmcccluskey@airustel.com">jmcccluskey@airustel.com</a>
All Points Carrier Services, LLC	James Carr	<a href="mailto:business@allpointsbroadband.com">business@allpointsbroadband.com</a>
Allied Telecom Group, LLC	Ken Williams	<a href="mailto:kwilliams@alliedtelecom.net">kwilliams@alliedtelecom.net</a>
AMCS Networking Services LLC	Robert Stankey	<a href="mailto:robertstankey@dwtd.com">robertstankey@dwtd.com</a>
Amelia Telephone Corporation	Bruce Mottern**	<a href="mailto:bruce.mottern@tdstelecom.com">bruce.mottern@tdstelecom.com</a>
AOC Connect, LLC	Michelle Silvia	<a href="mailto:msilvia@aocwins.com">msilvia@aocwins.com</a>
AT&T Communications of Virginia, LLC	Sally Briar	<a href="mailto:sb1621@att.com">sb1621@att.com</a>
ATC Outdoor DAS, LLC	Lauren M Ramirez	<a href="mailto:Lauren.Ramirez@americantower.com">Lauren.Ramirez@americantower.com</a>
Atlantech Online of Virginia, L.L.C.	Ed Fineran	<a href="mailto:efineran@atlantech.net">efineran@atlantech.net</a>
Atlantic Broadband Enterprise LLC	Leslie Brown	<a href="mailto:lbrown@atlanticbb.com">lbrown@atlanticbb.com</a>
Bandwidth.com CLEC, LLC	W. Christopher Matton	<a href="mailto:cmatton@bandwidth.com">cmatton@bandwidth.com</a>
BCM ONE, Inc.	Sadia Mendez	<a href="mailto:Smendez@bcmone.com">Smendez@bcmone.com</a>
BIT Networks, LLC	James Patrick Guy II	<a href="mailto:jguy@MECKELEC.ORG">jguy@MECKELEC.ORG</a>
Broadview Networks of Virginia, Inc.	Steve Bogdan **	<a href="mailto:sbogdan@broadviewnet.com">sbogdan@broadviewnet.com</a>
Broadvox-CLEC, LLC	Susan Cramer-Rapinz	<a href="mailto:ag@gertsburglaw.com">ag@gertsburglaw.com</a>
Broadwing Communications, LLC	Derek Kelly **	<a href="mailto:derek.t.kelly@centurylink.com">derek.t.kelly@centurylink.com</a>
BullsEye Telecom of Virginia, LLC	David Bailey	<a href="mailto:dbailey@bullseyetelecom.com">dbailey@bullseyetelecom.com</a>
Burke's Garden Telephone Company, Inc.	Fred Lawless	<a href="mailto:fblawless@bgtco.net">fblawless@bgtco.net</a>
Business Telecom of Virginia, Inc.	Becky West**	<a href="mailto:Becky.West@windstream.com">Becky.West@windstream.com</a>
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City of Martinsville	Michael A. Scaffidi	<a href="mailto:mscaffidi@ci.martinsville.va.us">mscaffidi@ci.martinsville.va.us</a>
City of Radford	Tim Logwood	<a href="mailto:Tim.Logwood@radfordva.gov">Tim.Logwood@radfordva.gov</a>
City of Salem	A. K. Briele	<a href="mailto:abriele@salemva.gov">abriele@salemva.gov</a>
Clear Rate Telecom, L.L.C.	Kelsey Cooke	<a href="mailto:legal@clearrate.com">legal@clearrate.com</a>
Comcast Business Communications of VA, LLC	John Conwell**	<a href="mailto:John_Conwell@comcast.com">John_Conwell@comcast.com</a>
Comcast Phone of Virginia, LLC	John Conwell**	<a href="mailto:John_Conwell@comcast.com">John_Conwell@comcast.com</a>
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Fusion Connect LLC (Used in VA by: Fusion LLC)	Ronald A. Sheehan**	<a href="mailto:Ronald.Sheehan@fusionconnect.com">Ronald.Sheehan@fusionconnect.com</a>
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Highland Telephone Cooperative	Chad Kimbly	<a href="mailto:kimbly@htcnet.org">kimbly@htcnet.org</a>
Hudson Fiber Network (Virginia) LLC	Brian Kirk	<a href="mailto:compliance@util.extenetsystems.com">compliance@util.extenetsystems.com</a>
IDT America of Virginia, LLC	John Peterson	<a href="mailto:john.peterson@IDT.net">john.peterson@IDT.net</a>
iGo Technology, Inc.	Terri Firestein	<a href="mailto:tfireccg@myactv.net">tfireccg@myactv.net</a>
Intellifiber Networks, LLC	Becky West**	<a href="mailto:Becky.West@windstream.com">Becky.West@windstream.com</a>
Intrado Safety Communications of Virginia Inc.	Mary Jane Rasher	<a href="mailto:mrasher@intrado.com">mrasher@intrado.com</a>
Kinex Telecom, Inc.	Jim Garrett	<a href="mailto:jgarrett@kinextel.com">jgarrett@kinextel.com</a>

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Ligado Networks Inc. of Virginia	Amy Crawford	<a href="mailto:amy@ligado.com">amy@ligado.com</a> and <a href="mailto:compliance@ligado.com">compliance@ligado.com</a>
LMK Communications, LLC	Tim Pressley**	<a href="mailto:Tim.Pressly@nscom.com">Tim.Pressly@nscom.com</a>
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MCC Telephony of the Mid-Atlantic, LLC	Anne Sokolin-Maimon	<a href="mailto:amaimon@mediacomcc.com">amaimon@mediacomcc.com</a>
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Mikrotec Communications of Virginia, LLC	James Campbell	<a href="mailto:jcamp@mis.net">jcamp@mis.net</a>
Mobilitie, LLC	Cyndia Moreno	<a href="mailto:cyndia@mobilitie.com">cyndia@mobilitie.com</a>
MountaiNet Telephone Company	Gwen Godsey	<a href="mailto:GwenG@mounet.com">GwenG@mounet.com</a>
Network Innovations Virginia, Inc.	Maria I. Arteaga	<a href="mailto:marteaga@nitelusa.com">marteaga@nitelusa.com</a>
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